

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MARK EDWARD KIMBERLIN,

Plaintiff,

v.

ALLEGHANY COUNTY  
COMMONWEALTH ATTORNEYS  
OFFICE,

Defendant.

Civil Action No. 7:22cv00505

**MEMORANDUM OPINION**

By: Hon. Thomas T. Cullen  
United States District Judge

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Plaintiff Mark Edward Kimberlin, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By conditional filing order entered August 30, 2022, the court advised Kimberlin that he must notify the court in writing immediately upon his transfer or release and must provide the court with his new address. (*See* ECF No. 3.) The court further advised Kimberlin that failure to provide an updated address would result in dismissal of this action. (*Id.*) On October 12, 2022, an order mailed to Kimberlin was returned to the court as undeliverable and with no forwarding address. (*See* ECF No. 7.) Kimberlin has not provided the court with an updated address. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court's order. The court notes that this dismissal is without prejudice to Kimberlin's opportunity to refile his remaining claims in a separate civil action, subject to the applicable statute of limitations.

**ENTERED** this 13th day of October, 2022.

/s/ Thomas T. Cullen

HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE